Canadian International Trade Tribunal

2008-2009

Report on Plans and Priorities

The Honourable James M. Flaherty
Minister of Finance

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SECTION I—OVERVIEW

Chairperson's Message

I am pleased to present the Report on Plans and Priorities (RPP) for the Canadian International Trade Tribunal (the Tribunal) for 2008-2009.

The Tribunal's mandate is to provide fair, timely and effective disposition of international trade cases, government procurement review and government-mandated inquiries in various areas of the Tribunal's jurisdiction. The Tribunal conducts inquiries into complaints relating to unfair trade (i.e. dumping and subsidizing), requests for protection from import competition (safeguards) and complaints regarding federal government procurement. The Tribunal hears appeals from decisions of the Canada Revenue Agency (CRA) and the Canada Border Services Agency (CBSA) under the *Excise Tax Act* and the *Customs Act* respectively. In its advisory role, the Tribunal undertakes general economic inquiries and tariff references for the Minister of Finance or the Governor in Council. In so doing, the Tribunal contributes to Canada's competitiveness.

In 2008-2009, as in last year, the Tribunal expects to allocate more of its resources to the review of procurement complaints. The Government's commitment to openness, transparency and fairness in procurement practices has raised awareness among bidders about their rights and the possibility of redress at the Tribunal. In comparison, the Tribunal expects to allocate less of its resources to trade remedies cases. The strength of the Canadian and world economies over the last five years has made it difficult for business in Canada to make a case for injury caused by unfairly traded imports, and therefore fewer findings and orders have been implemented. The implication is that, for the next five years, the number of review cases will be half of historic levels.[1] However, with the anticipated slowdown in the Canadian and world economies, the Tribunal is expecting the intake of new unfair trade cases to increase compared to 2007-2008.

Overall, considering all activities, the Tribunal foresees a reduced workload for 2008-2009, as unfair trade cases are the ones that require the most resources per case. As a result, the Tribunal will be able to re-allocate funds internally and set up a contingency fund to deal with peak workload periods and no longer needs to establish a permanent, independent source of funds.

In 2007, the Tribunal conducted an in-depth review of the funding, relevance and performance of its program and spending to ensure results and value for money from its program that is a priority for Canadians. The results of this Strategic Review were submitted to Treasury Board last fall, for subsequent review by Cabinet. The results of this Review will be reflected in future reporting to Parliament.

The main priority for the Tribunal for 2008-2009 continues to be to ensure the fair, timely and effective disposition of cases. In 2008-2009, supporting priorities remain those of "continuous improvement"—as the Tribunal targets initiatives under three broad categories: improved service delivery, sound management practices and investment in human resources. Through these initiatives, the Tribunal is committed to advancing government priorities to improve service to Canadians and accountability and transparency of its operations.

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1. Findings must be reviewed every five years to determine whether they should remain in force for another five years or be allowed to expire.

Looking forward to 2008-2009, the Tribunal will continue to invest in better planning to ensure value for money and effective management performance. At the same time, it will continue to improve its financial and performance information in order to enhance its reporting to Parliament and to Canadians. Finally, it will continue to implement the Government's new learning, training and development policy, which focuses on ensuring that managers, at all levels, are educated and/or trained to conduct effectively their responsibilities.

Serge Fréchette
Acting Chairperson

Management Representation Statement

I submit, for tabling in Parliament, the 2008-2009 Report on Plans and Priorities for the Canadian International Trade Tribunal.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2008-2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*.

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the Tribunal's Strategic Outcome and Program Activity Architecture structure that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

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Julia Ginley
Director
Corporate Services

Raison d'être

The Tribunal contributes to a fair and secure marketplace in Canada. The Tribunal adjudicates disputes by applying rules designed to ensure that imports compete fairly in the domestic marketplace, that government contracting is fair and that tariffs and border excise taxes are fairly applied. At the request of the Government, it provides advice on trade, economic, commercial and tariff matters. As an administrative tribunal, the Tribunal is more streamlined than the ordinary courts and, thus, more quickly accessible to business, while still providing impartial and transparent decisions within strict deadlines to provide certainty in the marketplace.

The Tribunal provides the following benefits to Canadians:

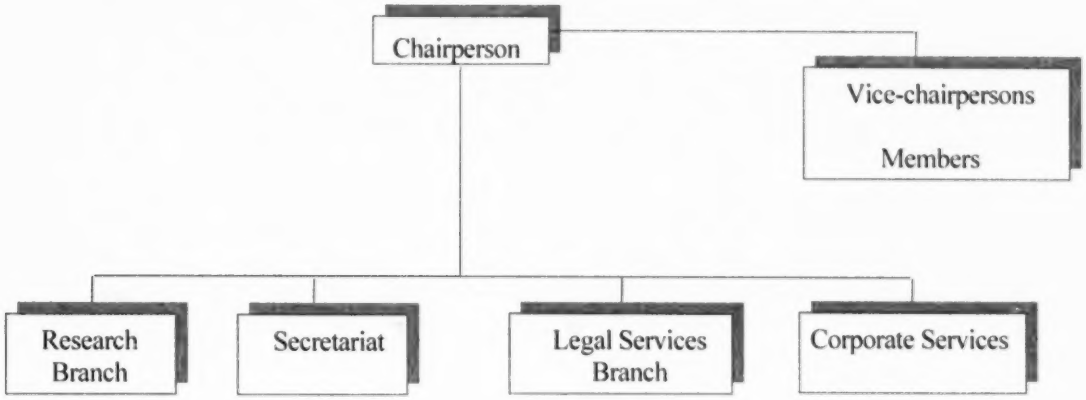
- Access to fair and efficient processes for investigating complaints of injury from unfairly traded imports, complaints on designated federal government procurements, and complaints on customs and excise matters;
- Reliable economic and trade analysis and advice for the Government; and
- Contributes to a fair and secure trading system for individual Canadians and the Canadian business sector.

Organizational Information

The Tribunal is an independent, investigative and quasi-judicial decision-making body that reports to Parliament through the Minister of Finance. The Tribunal derives its authority from the *Canadian International Trade Tribunal Act* (*CITT Act*), the *Special Import Measures Act* (*SIMA*), the *Customs Act* and the *Excise Tax Act*.

Under *SIMA*, the Tribunal conducts inquiries into whether dumped and/or subsidized imports have injured Canadian manufacturers. Pursuant to the *Customs Act*, the *Excise Tax Act* and *SIMA*, the Tribunal is empowered to deal with appeals from decisions of the CRA and the CBSA on various customs and excise matters. With the implementation of the *North American Free Trade Agreement* (*NAFTA*), the Tribunal's mandate was expanded to include reviewing bid challenges on federal government procurement matters. The Tribunal has also been designated as the bid challenge authority under the *Agreement on Internal Trade* (*AIT*) and the World Trade Organization (WTO) *Agreement on Government Procurement* (*AGP*). Under the *CITT Act*, the Tribunal inquires into and provides advice on such economic, trade, commercial and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance. It also undertakes safeguard inquiries under the *CITT Act* and is empowered, on complaint by an interested party or as directed by the Government, to carry out safeguard inquiries into rapid increases in foreign imports (including through special procedures for imports specifically from the People's Republic of China [China]) and to formulate recommendations to the Government for dealing with such imports.

Organizational Structure



Under the *CITT Act*, the Tribunal may be composed of up to nine full-time members, including a chairperson and two vice-chairpersons, who are appointed by the Governor in Council for a term of up to five years. Currently, the Tribunal is funded for 7 members. The Chairperson is the Chief Executive Officer and is responsible for the assignment of cases to the Members and for the management of the Tribunal's workload and resources. The Tribunal is supported by a permanent staff of 77, including members, with the principal officers being:

- the **Secretary**, responsible for relations with the public and parties, the court registry functions of the Tribunal, editing and translation of Tribunal decisions, reports and other documents, and relations with government departments and foreign governments;
- the **Director General, Research**, responsible for the investigative portion of inquiries, including fact-finding related to trade, economic, commercial and tariff matters, and the provision of research services to the members and staff of the Tribunal;
- the **General Counsel**, responsible for the provision of legal services to the Members and staff of the Tribunal; and
- **the Director, Corporate Services**, responsible for corporate services, such as human resources management, financial management, information technology (IT), materiel management, accommodation and administrative services. The Director is also responsible for directing the planning and accountability policies, systems and processes, reports to central agencies and Parliament, and represents the Tribunal in discussions and negotiations with senior officials of central agencies.

More detailed information on the Tribunal is available on its Web site at www.citt-tcce.gc.ca.

Program Activity Architecture Crosswalk

In 2007-2008, the Tribunal modified its overarching strategic outcome to more closely reflect its mandate. The two program activities identified in the 2007-2008 RPP, that is, the adjudication of trade cases and general economic inquiries and references, remain unchanged for 2008-2009. However, all four sub-activities, including unfair trade cases, appeals from decisions of the CRA and CBSA, bid

challenge authority for federal government procurement and safeguard inquiries, have been subsumed to the adjudication of trade cases program activity level.

Voted and Statutory Items Listed in Main Estimates
($ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2008-2009 Main Estimates	2007-2008 Main Estimates
20	Program Expenditures	8,984	**9,306**
(S)	Contributions to Employee Benefit Plans	1,168	**1,376**
	Total Department	10,152	**10,682**

Note: The majority of the variance from the Main Estimates is explained by the one-time funding of $620,000 for an audio system for hearing rooms in 2007-2008.

Planned Spending and Full Time Equivalents (FTEs)
($ thousands)

	Forecast Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010	Planned Spending 2010-2011
Adjudication of Trade Cases (quasi-judicial role)	**10,058**	9,969	9,969	9,969
General Economic Inquiries and References (advisory role)	**624**	183	183	183
Total Main Estimates	**10,682**	10,152	10,152	10,152
Adjustments:				
Supplementary Estimates:				
Operating Budget Carry Forward	430	.....	.....	.....
Procurement Savings	.....	.....	.....	.....
Other:				
TB Vote 15	121	.....	.....	.....
Employee Benefit Plan (EBP)	24	.....	.....	.....
Total Adjustments	.....	.....	.....	.....
Total Planned Spending	**11,257**	10,152	10,152	10,152
Total Planned Spending	**11,257**	10,152	10,152	10,152
Plus: Cost of Services Received Without Charge	**2,415**	2,505	2,505	2,505
Net Cost of Program	**13,672**	12,657	12,657	12,657
Full Time Equivalents	**76**	77	77	77

Note: The variance in FTEs is a result of the preceding internal re-allocation from salary to operating and maintenance dollars.

Summary Information on the Tribunal's Priorities

Financial Resources ($ thousands)

2008-2009	2009-2010	2010-2011
10,152	10,152	10,152

Human Resources (FTEs)

2008-2009	2009-2010	2010-2011
77	77	77

Priorities

Name	Type
1. Process Cases Within Legislative Deadlines and Quality Standards	Ongoing
2. Improve Service Delivery	Ongoing
3. Sound Management Practices	Ongoing
4. Invest in Our People	Ongoing

Program Activities by Strategic Outcome
($ thousands)

	Expected Results	Planned Spending			Contributes to the following priority
		2008-2009	2009-2010	2010-2011	
Strategic Outcome: Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction.					
Adjudication of Trade Cases (quasi-judicial role)	Tribunal's decisions are fair, impartial and based on quality information.	**9,969**	**9,969**	**9,969**	All priorities
General Economic Inquiries and References (advisory role)	Tribunal's recommendations on economic, trade and tariff matters and standing textile references are fair, impartial and based on quality information.	**183**	**183**	**183**	All priorities

Plans and Priorities

Operating Environment

In recent years, a number of external factors have impacted on the number and mix of cases before the Tribunal. These factors relate to the health of the world and Canadian economies, the trade environment and government actions.

The healthy Canadian and world economies, in recent years, has made it more difficult for business in Canada to make a case of injury caused by dumped and/or subsidized imports. This has reduced the number of new injury findings and the number of existing findings which have been continued on review. The implication is that, for the next five years, the number of review cases related to dumped or subsidized imports will be half of historic levels. However, in view of a potential weakening of the Canadian and world economies going forward, the Tribunal is not forecasting a change in the intake of new cases compared to the historic baseline.[2] Overall, this will result in a reduced workload in cases related to dumped or subsidized imports.

As for appeals from decisions of the CRA and the CSBA, there have been no broad duty rate cuts in the past few years due to trade agreements, and there are unlikely to be any in the near term. A large portion of imports are duty-free, and the rates are generally low for the remaining dutiable items. Thus, there is little in the trade environment to suggest that the annual number of appeal cases received by the Tribunal will change markedly from the stable number seen in the past few years. However, the number of decision issued is likely to decrease, given the successful elimination of the backlog of cases over the last couple of years.

Some government actions have increased case work at the Tribunal. The Government's focus on accountability in general and procurement in particular has raised awareness among potential bidders about their rights and the possibility of redress at the Tribunal. With this emphasis on accountability, it is likely that the future baseline for procurement cases will be higher, as will complaints accepted for inquiry. Additional resources have been allocated to this activity.

Other government actions have reduced case work at the Tribunal. For example, in June 2005[3] and April 2006,[4] at the request of the Minister of Finance, the Tribunal recommended changes to the tariffs on textiles to cover only those textiles produced in Canada. The implementation by the Minister of Finance of the Tribunal's recommendations covering about 350 tariff items in the two textile references has reduced the expected baseline for activity in the standing textile reference.

With all the above factors taken into consideration, the Tribunal believes that the overall workload will decrease in the coming years. As a result of this revised workload, the Tribunal will no longer need additional funding to deal with peak periods. A contingency fund is being set up through internal re-allocation to address peak periods, and potential references and safeguards.

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2. The historic baseline for the intake of new anti-dumping and countervailing duty cases reflects the experience since 1989.
3. *Report on the Production in Canada of Certain Fibres, Yarns and Apparel Fabrics* (June 2005), MN-2004-002 (CITT).
4. *An Inquiry into the Availability of Certain Apparel Produced in Canada* (April 2006), MN-2005-001 (CITT).

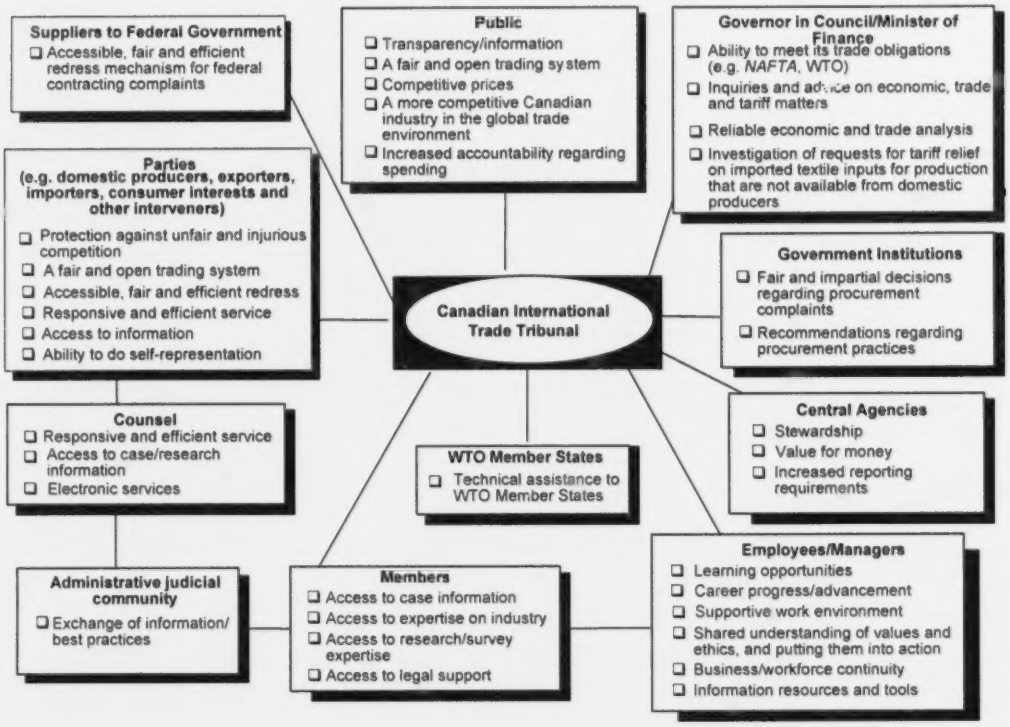
As in recent years, government-wide initiatives focussed on accountability and transparency are expected to affect our corporate overhead in 2008-2009. Like other small-sized organizations, the Tribunal has expended significant effort to participate in and respond fully to numerous horizontal reviews, audits, reporting requirements and policy initiatives.

Stakeholder Expectations

The Tribunal must strive to meet the expectations of a wide range of stakeholders, including:

- **Parties**—Litigants include domestic producers, exporters, importers, potential suppliers and consumer groups. They typically want responsive service in the official language of their choice, timely processing of cases, information about cases and access to Tribunal files. They also want their confidential and personal information protected.
- **Counsel**—Lawyers and trade consultants who represent parties want responsive service and access to case files, decisions and staff reports. They also increasingly expect the information to be provided to them by the Tribunal in hard copy and electronic format.
- **Governor in Council/Minister of Finance**—The Government, through references from the Minister of Finance, looks to the Tribunal for reliable economic and trade analysis and advice, usually within compressed time frames, and for the purpose of meeting Canada's trade obligations. The Department of Finance is also relying on the Tribunal for increased technical assistance in negotiations when dumping, subsidizing and safeguard issues are involved. However, it should be pointed out that, in these roles, the Tribunal functions at arm's length from the Minister of Finance and needs to maintain its independence from the Department of Finance.
- **Public**—At the highest level, Canada's business sector and its trading partners throughout the world expect a fair and open trading system, and Canadians expect a more competitive Canadian industry in the global trade environment, as well as competitive prices.
- **Suppliers to Federal Government and Government Institutions**—Suppliers expect fair and impartial decisions relating to procurement complaints and recommendations to improve procurement practices.
- **Technical Assistance to WTO Member States**—From time to time, the investigating authorities of WTO Member States and other countries ask the Tribunal for technical assistance with the set-up or administration of their systems for dumping, subsidizing and safeguard cases.

Stakeholder Expectations of the Tribunal


Suppliers to Federal Government
Accessible, fair and efficient redress mechanism for federal contracting complaints
Public
Transparency/information
A fair and open trading system
Competitive prices
A more competitive Canadian industry in the global trade environment
Increased accountability regarding spending
Governor in Council/Minister of Finance
Ability to meet its trade obligations (e.g. NAFTA, WTO)
Inquiries and advice on economic, trade and tariff matters
Reliable economic and trade analysis
Investigation of requests for tariff relief on imported textile inputs for production that are not available from domestic producers
Parties (e.g. domestic producers, exporters, importers, consumer interests and other interveners)
Protection against unfair and injurious competition
A fair and open trading system
Accessible, fair and efficient redress
Responsive and efficient service
Access to information
Ability to do self-representation
Canadian International Trade Tribunal
Government Institutions
Fair and impartial decisions regarding procurement complaints
Recommendations regarding procurement practices
Counsel
Responsive and efficient service
Access to case/research information
Electronic services
WTO Member States
Technical assistance to WTO Member States
Central Agencies
Stewardship
Value for money
Increased reporting requirements
Administrative judicial community
Exchange of information/ best practices
Members
Access to case information
Access to expertise on industry
Access to research/survey expertise
Access to legal support
Employees/Managers
Learning opportunities
Career progress/advancement
Supportive work environment
Shared understanding of values and ethics, and putting them into action
Business/workforce continuity
Information resources and tools

Stakeholder Consultation

In 1995, at the request of the Commodity Tax Committee of the Canadian Bar Association (CBA), the Tribunal established a Bench and Bar Committee (the Committee). The Committee serves as a forum to discuss procedural issues of common interest. It is composed of lawyers nominated by the CBA, Department of Justice lawyers and trade consultants invited by the Tribunal. Meetings of the Committee provide an opportunity for participants to present their views and concerns about the Tribunal's processes and procedures or proposed changes. The Committee typically holds one meeting during the fiscal year.

The Tribunal also seeks the views of stakeholders on new procedures prior to their implementation by distributing draft guidelines and practice notices. The process is typically to issue the guideline in draft form, to solicit and receive comments from interested parties, and then to discuss the matter with the Committee. These consultative mechanisms allow the Tribunal to remain accessible to various groups of litigants and to take advantage of their points of view on procedures and processes. As an example, this was the process that was followed in developing the Tribunal's practice notice on the meaning of "holiday" for the purposes of establishing procurement inquiry deadlines.

Challenges and Risks

In response to the changing trends in its caseload, the Tribunal is moving towards a new business model. The Tribunal plans to (1) better align resources with its caseload, (2) implement changes in its organizational structure and the management of cases to improve operational efficiencies, and (3) establish a contingency fund to deal with the risk of peak workload periods.

In 2008-2009, the Tribunal will be focussing on strategies to effectively transition to this new business model through case-process improvements, addressing skill and competency gaps, cross-training and succession planning to develop a more agile and productive workforce. As for our IT strategies, we must ensure that we maintain the right balance of effort and investment between existing and additional resources required to effectively meet our mandate and improve service. Specific challenges and risks include:

1. **Maintaining the Quality of Decisions and Meeting Legislative Timelines During the Transition to a New Business Model:** Adjusting to a reduced workload and the change in the mix of cases before the Tribunal, as well as reduced human resources, will require flexibility, innovation and particular attention to human resources and business planning and priority setting. The Tribunal needs to ensure that the right mix of people, processes and technology are in place to support sound decision making, while meeting legislative timelines.

2. **Maintaining the Quality of Decisions and Meeting Legislative Timelines in Peak Periods:** Unpredictable case demands and case bunching may continue to be challenges. The Tribunal has been transitioning to a new business model. However, it is too early to determine if peaks in workload will be relatively more or less manageable in the year ahead.

3. **Knowledge Transfer:** The departures of several key senior employees, including members and the Chairperson, pose human resources management pressures for the coming year. The Tribunal's work requires specialized skills and knowledge, which are acquired over a number of years. Maintaining continuity in the Tribunal's corporate knowledge requires a sustained focus on training, recruitment and succession planning. Trainees and junior staff require timely access to orientation and training programs to expedite the knowledge transfer process.

4. **Maintaining Adequate Protection of Information in an Electronic Environment:** The Tribunal exercises extreme caution in the use and distribution of confidential information, given the serious and significant financial injury that could be caused by inappropriate dissemination and use of such information.

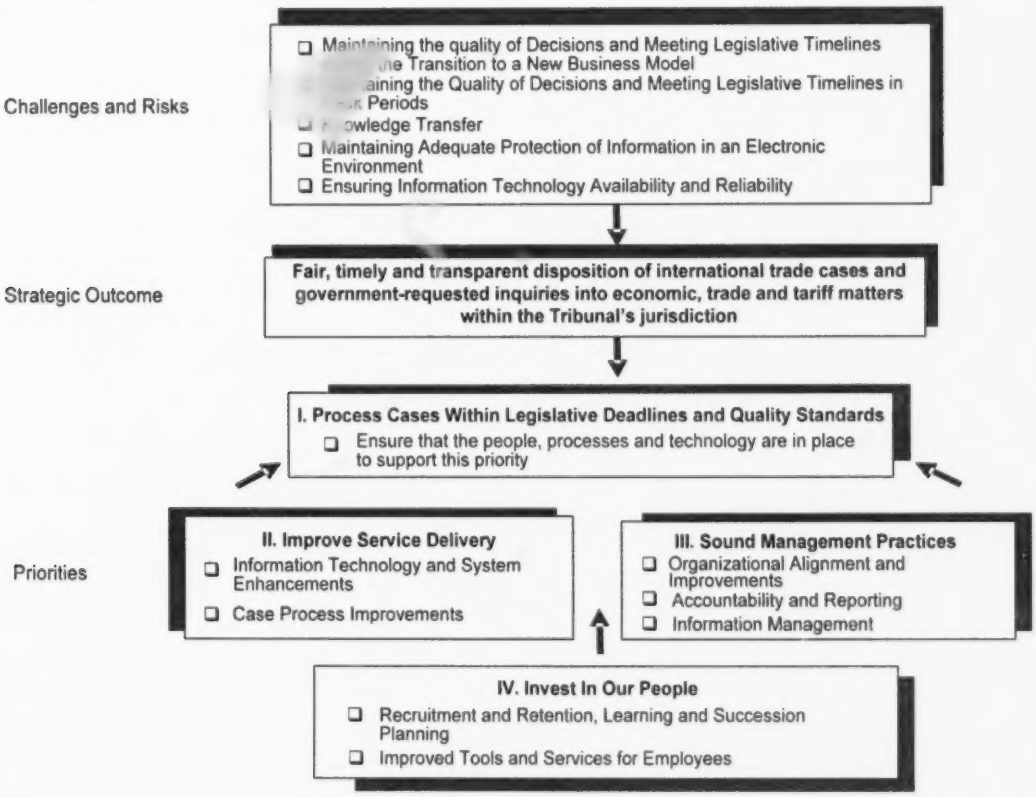
   The increased demand by parties for the electronic exchange of information and the increased demand by employees for teleworking arrangements require that steps be taken to ensure that the network is secure for remote access. The Tribunal will continue to take the necessary steps to ensure the security of electronic systems before developing and implementing them.

5. **Ensuring Information Technology Availability and Reliability:** Access to reliable IT is crucial for the Tribunal to maintain the quality of findings, determinations and recommendations within prescribed deadlines. The integrity of the network environment must be regularly assessed to ensure that it continues to conform to government-wide policies and standards. Service improvements must also be made to ensure that technology keeps pace with operational demands and external demands for greater electronic access.

Tribunal's Priorities

As in previous years, the Tribunal's overarching priority is to process cases within legislative deadlines and at the requisite quality, thus contributing to a fair and secure marketplace in Canada. In 2008-2009, the supporting priorities reflect many of the overall government-wide priorities. The specific initiatives include both program and management priorities captured under three categories: improved service delivery, sound management practices and investing in our people.

These priorities are summarized in the chart below and discussed in further detail in the text that follows.


Challenges and Risks
Maintaining the quality of Decisions and Meeting Legislative Timelines
Transition to a New Business Model
Periods
Maintaining Adequate Protection of Information in an Electronic Environment
Ensuring Information Technology Availability and Reliability
Strategic Outcome
Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction
I. Process Cases Within Legislative Deadlines and Quality Standards
Ensure that the people, processes and technology are in place to support this priority
Priorities
II. Improve Service Delivery
Information Technology and System Enhancements
Case Process Improvements
III. Sound Management Practices
Organizational Alignment and Improvements
Accountability and Reporting
Information Management
IV. Invest In Our People
Recruitment and Retention, Learning and Succession Planning
Improved Tools and Services for Employees

Priority I: Process Cases Within Legislative Deadlines and Quality Standards

The Tribunal's overriding priority continues to be to hear cases and make sound decisions expeditiously on matters that fall within its jurisdiction within prescribed deadlines. In doing so, the Tribunal will strive to maintain the quality of its findings, determinations and recommendations.

In the current environment where cases are becoming increasingly litigious, a growing challenge for the Tribunal is to ensure that statutory deadlines are met and that the quality of its findings, determinations and recommendations are not compromised, particularly during peaks in caseload. The Tribunal is working on a more flexible organizational and resource model to effectively respond to its new realities.

- **More Flexible Business and Resource Model**

  In support of this priority, we are undertaking initiatives to improve service delivery, ensure sound management practices and invest in our people.

Priority II: Improve Service Delivery

Continuous improvement in service delivery remains a priority for the Tribunal in 2008-2009. With the increased demand for services that are fast and efficient and that protect the privacy of confidential information, our focus will be on process improvements and ensuring the continuity of IT services, information reliability and security—both internally and for parties and their counsel.

- **Information Technology and System Enhancements**

  The Tribunal is very dependent on technology and, therefore, will continue to focus on strengthening its IT architecture to ensure optimum performance and stability for both internal and external users. Based on results of the review, the Tribunal will assess implications in terms of IT governance, changes to IT infrastructure and applications. A long-term strategy and work plan will be developed to address accepted recommendations.

  Also, there is an increased expectation across administrative tribunals for the electronic exchange of information and e-filing with parties, other departments and agencies, counsel and other courts, such as the Federal Court of Canada. The Tribunal will continue to focus on improving electronic access for external parties by identifying options to provide e-filing and electronic sharing of selected case information while protecting confidential information

- **Case Process Improvements**

  In its effort to optimize resources and operational efficiencies, the Tribunal will continue to review and streamline its process for appeal cases in order to more expeditiously deal with these cases. This will include the development of case management schedules, as well as other standardized internal briefing and reporting tools.

  Also in 2008-2009, the Tribunal will be reviewing a number of its processes, including its expiry review process with the CBSA, in particular, the handling of questionnaires that are sent to the domestic producers, importers and foreign producers. This will include clarifying objectives and identifying current process issues and roadblocks. A process improvement plan will be developed along with milestones.

Priority III: Sound Management Practices

Support to overall government-wide management accountability priorities, including the commitments introduced under the new *Federal Accountability Act*, will continue to be a priority for the Tribunal in 2008-2009. The Tribunal will continue to support Public Service modernization and will strive to integrate more fully the principal elements of its key management frameworks, including the Management Accountability Framework, human resources framework and service improvement framework.

- **Organizational Alignment and Improvements**

  The Tribunal is adjusting to meet the changing trends in the types, number and increasing complexity of cases through better alignment of its organization and resources. Adapting to its new business model will require careful consideration of business requirements, workload and allocation of resources, as well as human resources capacity and capabilities.

  Building on the results of a preliminary capacity assessment conducted in 2007, the Tribunal will expand the scope of the assessment in 2008-2009 to include such tasks as stakeholder interviews, benchmarking of Tribunal practices and resource levels with similar organizations in other countries. This work will also include an in-depth process review, an assessment of staff required skills and competencies and gaps, and an assessment of tools and systems.

- **Accountability and Reporting**

  The Tribunal is committed to the promotion of a corporate culture that ensures transparent management processes and accountability to the Government and the public. A number of policies and procedures will be developed in 2008-2009, including on the disclosure of wrongdoing specific to the Tribunal and, in support of this, the Tribunal will provide the required organizational information and training to its employees.

  The Tribunal is also committed to improved performance monitoring and reporting. It will review its workload tracking and reporting mechanisms in order to develop a more detailed performance measurement framework.

- **Information Management**

  The Tribunal will also review its overall approach and policies for the retention and disposition of case records and documentation (including retention schedules). It will develop an interface with Library and Archives Canada (LAC) and begin preparations for the transfer of documents to LAC.

Priority IV: Invest In Our People

The Tribunal identified a number of human resources challenges driving the need to focus on human resources planning and priority setting for 2008-2009:

- **Recruitment and Retention, Learning, and Succession Planning**

  Given the complex and unpredictable caseload of the Tribunal, it requires a workforce with special skills, knowledge, adaptability and versatility. The Tribunal must be able to recruit on a timely basis, retain competent and dedicated employees, and provide them with a

work environment conducive to their learning and development. Therefore, a continued focus will be placed on human resources management aligned with business strategies and objectives.

The Tribunal will focus on partnerships with other organizations for the exchange of resources through possible secondments to cover periods of peak caseload, and implement programs to ensure rapid knowledge transfer for new employees.

Initiatives aimed at ensuring that employees have the skills required to meet the current and future requirements of the Tribunal continue to be a priority in 2008-2009. Individual learning plans will be developed and integrated with the overall human resources and business planning exercise. Human resources plans will identify learning and training requirements, staffing plans and succession strategies, with particular attention given to cross-training of staff in the different areas of the Tribunal's mandate.

- **Improved Tools and Services for Employees**

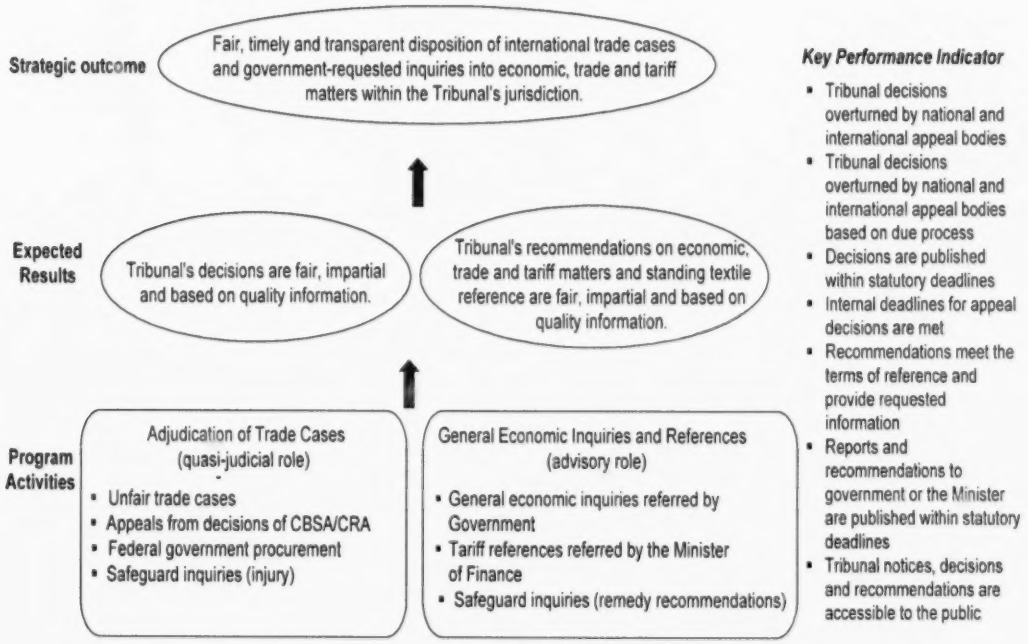
  Human resources, as a critical corporate function, is also making efforts to achieve continuous process improvements and meet the needs of the organization. The movement towards electronically managed human resources services reflects the growing need to invest in the technology and systems that will provide employees and managers access to real-time information.

SECTION II—ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Overall Performance Expectations

The Tribunal has a single strategic outcome: fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction. The results to be achieved in support of this strategic outcome are that Tribunal's decisions and recommendations are fair, transparent and impartial (and are viewed to be so by stakeholders) and are made available to interested parties and to the public, in both official languages, to meet legislative deadlines through the most efficient means at its disposal. The Tribunal has two program activities that contribute to the above results: the adjudication of trade cases (quasi-judicial role) and general economic inquiries and references (advisory role). The relationship between the program activities, expected results and strategic outcome, as well as the performance indicators associated with these results, is summarized in the chart below.

Summary Performance Measurement Framework


Strategic outcome
Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction.
Expected Results
Tribunal's decisions are fair, impartial and based on quality information.
Tribunal's recommendations on economic, trade and tariff matters and standing textile reference are fair, impartial and based on quality information.
Program Activities
Adjudication of Trade Cases (quasi-judicial role)
Unfair trade cases
Appeals from decisions of CBSA/CRA
Federal government procurement
Safeguard inquiries (injury)
General Economic Inquiries and References (advisory role)
General economic inquiries referred by Government
Tariff references referred by the Minister of Finance
Safeguard inquiries (remedy recommendations)
Key Performance Indicator
Tribunal decisions overturned by national and international appeal bodies
Tribunal decisions overturned by national and international appeal bodies based on due process
Decisions are published within statutory deadlines
Internal deadlines for appeal decisions are met
Recommendations meet the terms of reference and provide requested information
Reports and recommendations to government or the Minister are published within statutory deadlines
Tribunal notices, decisions and recommendations are accessible to the public

Described below, for both program activities, are the performance objectives that the Tribunal is striving to achieve and the manner in which the Tribunal's plans and priorities discussed earlier support these performance objectives. The performance objectives vary somewhat in application depending on the nature of the program activity, i.e. the adjudication of trade cases or general economic inquiries and references.

Activity No. 1—Adjudication of Trade Cases (quasi-judicial role)

The adjudication of trade cases is a quasi-judicial activity that includes unfair trade cases, appeals from decisions of the CBSA and the CRA, safeguard inquiries and bid challenges relating to federal government procurement.

Financial Resources: ($ thousands)

2008-2009	2009-2010	2010-2011
9,969	9,969	9,969

Human Resources: (FTEs)

2008-2009	2009-2010	2010-2011
75	75	75

Expected Results: Tribunal decisions are fair, impartial and based on quality information.

- **Tribunal decisions overturned by national and international appeal bodies.** The Tribunal's decisions on dumping and subsidizing matters may be reviewed by the Federal Court of Appeal or a binational panel under *NAFTA* in the case of a decision affecting U.S. and/or Mexican goods. WTO Member States whose goods are affected by a Tribunal decision may also initiate dispute settlement proceedings under the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes*, if they believe that the Tribunal's procedures violated the WTO anti-dumping agreement or the WTO *Agreement on Subsidies and Countervailing Measures*. The Tribunal's decisions on appeals may be appealed to the Federal Court of Appeal or, in the case of the *Excise Tax Act*, the Federal Court. The Tribunal monitors whether its decisions have been the subject of applications for judicial review or appeals before these bodies. It determines, based on the issues raised in these applications, whether it will seek intervener status before the Federal Court of Appeal. It automatically has standing in any binational panel review under *NAFTA*. An indicator that the Tribunal's decisions are fair, impartial and based on quality information is the percentage of all Tribunal decisions rendered that are overturned by the Federal Court of Appeal and/or international appeal bodies. Our performance target for this indicator is that less than 2 percent of all Tribunal decisions rendered will be overturned.

  Another indicator of the soundness of the Tribunal's decisions is the percentage of all decisions under judicial review that are overturned by the Federal Court of Appeal and/or international appeal bodies based on "due process" not being followed. Our performance target for this indicator is that less than 1 percent of all decisions on due process will be overturned.

- **Information on Tribunal notices, decisions, guidelines for all areas of the mandate and practice notices is accessible to the public.** The Tribunal strives to ensure that information is readily accessible to its stakeholders in a timely manner. Our performance target for this indicator is that 100 percent of notices, practice notices, decisions and guidelines for all areas of our mandate are accessible to the public.

- **Decisions are published within statutory deadlines.** The Tribunal's decisions regarding dumping and/or subsidizing, safeguard inquiries and procurement complaints are subject to statutory deadlines. The Tribunal's first priority is therefore to ensure that these decisions are fair and impartial and issued within these deadlines. The Tribunal has implemented strong case management controls to ensure that it is able to meet these deadlines and does extensive tracking of the status of cases to ensure close adherence to prescribed deadlines. Detailed internal reports exist on the status of cases. Our performance target for this indicator is that 100 percent of all decisions will be published within the legislated deadline.
- **Appeal decisions are issued within internal deadlines**. There is no statutory deadline imposed for the decisions on appeals of the CBSA and CRA decisions. However, the Tribunal has adopted an informal, voluntary standard of publishing such decisions within 120 days of the hearing of an appeal. Tribunal management closely monitors these files to ensure, to the greatest extent possible, that the Tribunal adheres to this standard. Our performance target for this indicator is that 70 percent of internal deadlines will be met.

Activity No. 2—General Economic Inquiries and References (advisory role)

General economic inquiries and references are advisory activities of the Tribunal. These include general economic inquiries referred by the Government and tariff references referred by the Minister of Finance.

Financial Resources: ($ thousands)

2007-2008	2008-2009	2009-2010
183	183	183

Human Resources: (FTEs)

2007-2008	2008-2009	2009-2010
2	2	2

Expected Results: Recommendations are fair, impartial and based on quality information.

Key performance objectives are similar to those outlined above and include:

- **Recommendations meet the terms of reference and provide requested information**. An indicator of the soundness of the Tribunal's determinations is the number of requests for additional information from the Minister of Finance. Our performance target for this indicator is that 100 percent of our recommendations meet the terms of reference.
- **Reports, determinations and recommendations are published within government-mandated deadlines**. The Tribunal's recommendations regarding tariff references and economic inquiries are subject to government-mandated deadlines. The Tribunal has implemented strong case management controls to ensure that it is able to meet these deadlines and does extensive tracking of the status of cases. Our performance target for this indicator is that 100 percent of our recommendations are published within statutory deadlines.

Risk Management Practices

The Tribunal faces risks and challenges that could impact on the organization's ability to achieve its mandate. As part of the planning process, a risk assessment is conducted, and managers are aware of these risks and challenges. They are expected to take appropriate action to mitigate the risks while ensuring the delivery of the Tribunal's mandate. Risks and related strategies are also discussed at regular Executive Committee meetings.

In delivering on its mandate, the Tribunal faces several key human resources and IT challenges in the coming year. The Tribunal is addressing these challenges as management priorities. A more detailed description of plans to address these issues is included in Section I.

SECTION III—SUPPLEMENTARY INFORMATION

Table 1: Link to the Government of Canada Outcomes

Strategic Outcome: Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic, trade and tariff matters within the Tribunal's jurisdiction.				
Program Activity	**Planned Spending**			**Alignment to Government of Canada Outcome Areas**
	2008-2009	**2009-2010**	**2010-2011**	
1. Adjudication of Trade Cases (quasi-judicial role)	9,969	9,969	9,969	• Fair and secure marketplace
2. General Economic Inquiries and References (advisory role)	183	183	183	• Fair and secure marketplace
Total	**10,152**	**10,152**	**10,152**	

Note: The Tribunal obtains its operating budget through the Main Estimates process. It does not receive funds through grants and contributions or through cost recovery of its operational expenditures.

Table 2: Services Received Without Charge

This table can be found on the Secretariat Web site at: http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp.

Internal Audits

The Tribunal's Internal Audit Plan for 2004-2009 was reviewed as part of the business planning exercise for 2008-2009. It was decided that items previously identified have since been resolved, and the Tribunal will not be conducting any internal audits for 2008-2009 other than those horizontal audits that may be conducted by Treasury Board Secretariat's Office of the Comptroller General. For additional information on previous internal audits of the Tribunal, please visit our Web site at www.citt-tcce.gc.ca/publicat/index_e.asp.

SECTION IV—OTHER ITEMS OF INTEREST

Contact for Further Information and Web Site

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Standard Life Centre
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17th Floor
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K1A 0G7

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Fax: (613) 998-1322
E-mail: secretary@citt-tcce.gc.ca
Tribunal's Web site: www.citt-tcce.gc.ca

Legislation Governing the Work of the Canadian International Trade Tribunal

Canadian International Trade Tribunal Act	R.S.C. 1985 (4th Supp.), c. 47
Customs Act	R.S.C. 1985 (2d Supp.), c. 1
Excise Tax Act	R.S.C. 1985, c. E-15
Special Import Measures Act	R.S.C. 1985, c. S-15
Softwood Lumber Products Export Charge Act	R.S.C. 1985 (3d Supp.), c. 12
Energy Administration Act	R.S.C. 1985, c. E-6
Canadian International Trade Tribunal Regulations	S.O.R./89-35
Canadian International Trade Tribunal Procurement Inquiry Regulations	S.O.R./93-602
Canadian International Trade Tribunal Rules	S.O.R./91-499

Tribunal Publications

For a complete list of Tribunal publications, please see the Tribunal's Web site at www.citt-tcce.gc.ca/publicat/index_e.asp.